

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 2:19-cv-00237

Judge: \_\_\_\_\_

HOWARD BOSTIC,  
1304 Kanawha Ave., Dunbar, WV, 25064

HIROKO BOSTIC,  
1304 Kanawha Ave., Dunbar, WV, 25064

And,

STATE OF WEST VIRGINIA  
STATE TAX DEPARTMENT,  
Compliance Division, AMU  
1001 Lee St. & 1124 Smith St.,  
Charleston, WV

Defendants.

**COMPLAINT FOR FEDERAL TAXES  
AND TO FORECLOSE FEDERAL TAX LIENS**

The United States of America, with the authorization of the Secretary of the Treasury, and at the direction of the Attorney General, brings this action to collect the federal tax liabilities of Howard K. Bostic and Hiroko Bostic, and to enforce the corresponding liens against certain real property located in Kanawha County, West Virginia.

## **JURISDICTION & VENUE**

1. Jurisdiction over this action is proper under 28 U.S.C. §§ 1340 and 1345 as well as under 26 U.S.C. §§ 7402 & 7403.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1396.

## **PARTIES**

3. Plaintiff is the United States of America.

4. Defendant Howard Bostic resides in Dunbar, West Virginia, within the jurisdiction of this Court.

5. Defendant Hiroko Bostic resides in Dunbar, West Virginia, within the jurisdiction of this Court.

6. Defendant State of New Jersey, State Tax Department, Compliance Division, AMU, Charleston, West Virginia may assert an interest in the Real Property.

## **COUNT I - REDUCE FEDERAL INCOME TAX ASSESSMENTS TO JUDGMENT AGAINST HOWARD BOSTIC**

7. The United States incorporates by reference the allegations of Paragraphs 1 to 6 herein.

8. A delegate of the Secretary of the Treasury, on each date listed below, made assessments against Defendant Harold Bostic for his unpaid federal income tax (Form 1040) liabilities. All related notices of federal tax lien were filed on the dates and locations indicated in the below table.

Type of Tax and Tax Period	Date of Assessment	Original Total Assessment Amount	Lien Filing Date and Location	Unpaid Assessed Balance as of 3/25/2019	Accrued Penalties & Interest to 3/25/2019	Total Unpaid Balance as of 3/25/2019
Form 1040 2005	11/8/2010	\$94,600.23	Cty Clerk Kanawha Cty 3/18/2011	\$123,739.24	\$2,565.22	\$126,304.46
Form 1040 2006	5/18/2009	\$75,414.38	Cty Clerk Kanawha Cty 3/18/2011	\$111,176.93	\$2,304.79	\$113,481.72
Form 1040 2007	1/9/2012	\$92,996.28	Cty Clerk Kanawha Cty 5/4/2012	\$119,608.80	\$2,479.60	\$122,088.40
Form 1040 2008	1/9/2012	\$82,758.47	Cty Clerk Kanawha Cty 5/4/2012	\$110,382.37	\$2,288.33	\$112,670.70
Form 1040 2009	6/17/2013	\$52,860.64	Cty Clerk Kanawha Cty 5/16/2016	\$66,583.52	\$1,380.33	\$67,963.85
Form 1040 2010	6/17/2013	\$52,081.27	Cty Clerk Kanawha Cty 5/16/2016	\$68,045.81	\$1,410.65	\$69,456.46
					<b><u>TOTAL</u></b>	<b><u>\$611,965.59</u></b>

9. Notice and demand for payment of the tax assessments described above in Paragraph 8 was given to Defendant Howard Bostic.

10. Defendant Howard Bostic has failed to pay the United States the full amount owed as a result of the tax assessments described above in Paragraph 8.

11. By reason of the foregoing, Defendant Howard Bostic was indebted to the United States for federal income taxes, penalties, and interest for the amount of \$611,965.59 as of March 25, 2019, plus interest, penalties, and costs that have accrued and will continue to accrue according to law subsequent to that date.

**COUNT II - REDUCE JOINT  
FEDERAL INCOME TAX ASSESSMENTS TO JUDGMENT AGAINST  
HOWARD BOSTIC AND HIROKO BOSTIC**

12. The United States incorporates by reference the allegations of Paragraphs 1 to 11 herein.

13. For the tax years 2011, 2012, 2013, 2014, 2015, Defendants Howard Bostic and Hiroko Bostic filed joint federal income tax returns. On each date listed below, a delegate of the Secretary of the Treasury made assessments in accordance with law against Defendants Howard Bostic and Hiroko Bostic for their unpaid federal income tax (Form 1040) liabilities. All related notices of federal tax lien were filed on the dates and locations indicated in the below table.

<b>Type of Tax and Tax Period</b>	<b>Date of Assessment</b>	<b>Original Total Assessment Amount</b>	<b>Lien Filing Date and Location</b>	<b>Unpaid Assessed Balance as of 3/25/2019</b>	<b>Accrued Penalties &amp; Interest to 3/25/2019</b>	<b>Total Unpaid Balance as of 3/25/2019</b>
Form 1040 2011	9/24/2012	\$10,720.68	Cty Clerk Kanawha Cty 5/16/2016	\$14,391.56	\$298.35	\$14,689.91
Form 1040 2012	7/11/2016	\$911.47	Cty Clerk Kanawha Cty 9/7/2016	\$1,040.91	\$21.58	\$1,062.49
Form 1040 2013	7/11/2016	\$18,182.29	Cty Clerk Kanawha Cty 9/7/2016	\$21,600.29	\$447.80	\$22,048.09
Form 1040 2014	7/11/2016	\$15,704.57	Cty Clerk Kanawha Cty 9/7/2016	\$19,445.44	\$403.12	\$19,848.56
Form 1040 2015	7/18/2016	\$10,948.03	Cty Clerk Kanawha Cty 9/7/2016	\$14,364.04	\$297.98	\$14,661.82
					<b><u>TOTAL</u></b>	<b><u>\$72,310.87</u></b>

14. Notice and demand for payment of the tax assessments described above in Paragraph 13 was given to Defendants Howard Bostic and Hiroko Bostic.

15. Defendants Howard Bostic and Hiroko Bostic have failed to pay the United States the full amount owed as a result of the tax assessments described above in Paragraph 13.

16. By reason of the foregoing, Defendants Howard Bostic and Hiroko Bostic were jointly indebted to the United States for federal income taxes, penalties, and interest for the amount of \$72,310.87 as of March 25, 2019, plus interest, penalties, and costs that have accrued and will continue to accrue according to law subsequent to that date.

### **COUNT III – FORECLOSURE OF TAX LIENS**

17. The United States incorporates by reference the allegations of Paragraphs 1 to 16.

18. By reason of the assessments described in Paragraphs 8 and 13, and pursuant to 26 U.S.C. §§ 6321 and 6322, federal tax liens arose in favor of the United States as of the dates of the assessments, and attached to all property and rights to property of Defendants then owned or thereafter acquired by them, including the Real Property described in paragraph 19, below.

19. On or about April 27, 1998, Defendants Howard Bostic and Hiroko Bostic acquired by deed the Real Property that is the subject of this action. The Real Property is located at 1304 Kanawha Avenue, Dunbar, West Virginia, and is improved with a single-family home. The Real Property is more particularly described as:

TRACT ONE: All that certain lot or parcel of land located in Block "S", as shown on the Map of Dunbar of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book No. 1, at page 146, fronting fifty (50) feet on the northerly line of Kanawha Avenue and extending back therefrom between parallel lines on hundred twenty (120) feet to an alley, being designated as Lot No. Two Hundred Seventy-Eight (278) of Block "S" of said City of Dunbar, as shown on that certain map entitled "Map Showing Lots 276 and 279, Block S, Dunbar, Kanawha County, West Virginia, as owned, occupied and claimed by their Respective Owners", made by James Sell, R.P.C.E., dated August 24, 1959, and of record in the aforesaid Clerk's Office in Deed Book No. 932, at page 250.

TRACT TWO: A parcel of land fifty feet in length lying immediately opposite Lot No. 278 of Block "S" of the City of Dunbar, which is bounded on the east by the easterly line of the said Lot No. 278 of Block "S", extended to the low watermark of the Kanawha River; on the west by the westerly sideline of the said Lot No. 278 of Block "S", extended to the low watermark of the Kanawha River; on the north by the southerly sideline of Kanawha Avenue, as shown on the map of the City of Dunbar of record in the aforesaid Clerk's office in Map Book 2, at page 88.

TRACT THREE: All that certain lot or parcel of land situate in the City of Dunbar, Kanawha County, West Virginia, being a portion of the riverbank along the north side of the Kanawha River, and being a part of said riverbank, 50 feet in length, lying immediately opposite Lot No. 279 of Block "S" of the said City of Dunbar as shown on the map of the City of Dunbar of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 2, at page 88; the parcel hereby conveyed being bounded on the east by the easterly sideline of the said Lot No. 279 of Block "S", extended to the low water mark of the Kanawha River; on the south by the low water mark of the northerly side of the Kanawha River; on the west by the westerly sideline of the said Lot No. 279 of Block "S", extended to the low water mark of the Kanawha River; on the north by the southerly sideline of Kanawha Avenue as shown on the map aforesaid.

TRACT FOUR: All its right, title, interest, and claim in and to all of that certain strip of land situate in the City of Dunbar, Kanawha County, West Virginia, and being more particularly bounded and described as being that certain 60' street known and designated as Kanawha Avenue which lies directly south of Lot 278 and fronting 50' on the said Kanawha Avenue within Block No. S as shown on that certain map of the City of Dunbar which said map is of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia in the map books thereof, described on a map as shown and laid down on the revised

map of said City of Dunbar and additions thereto filed and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Photostatic Map Book 1, at page 157

20. The United States is entitled to have the tax liens described in Paragraphs 8 and 13 foreclosed against the Real Property described in Paragraph 19, and that Real Property should be sold to satisfy the unpaid balance of assessments and all accrued statutory additions to tax as provided by law.

WHEREFORE, the United States prays that:

- A. As to Count II, that the Court grant judgment in favor of the United States and jointly against Defendants Howard Bostic and Hiroko Bostic in the amount of \$72,310.87, as of March 25, 2019, plus statutory additions to tax that have and will accrue according to law after that date;
- B. As to Count I, that the Court grant judgment in favor of the United States and against Defendant Howard Bostic in the amount of \$611,965.59, as of March 25, 2019, plus statutory additions to tax that have and will accrue according to law after that date;
- C. As to Count III, that the Court adjudge, determine, and decree that the United States holds valid and subsisting tax liens, by virtue of the tax assessments described in Paragraphs 8 and 13, and that encumber the Real Property described in Paragraph 19; that the Court adjudge, determine, and decree that said tax liens of the United States attaching to the Real Property be foreclosed; that the Real Property be sold by judicial sale according to law, free and clear of any rights, title, liens, claims, or

interests of the Defendants herein; that this Court order that the proceeds of the sale of the Real Property be distributed first to the expenses of the sale; and second in accordance with the interests of the parties herein as determined by the Court, including to the United States in partial satisfaction of the unpaid tax liabilities described in Paragraphs 8 and 13 above; and including that any party who does not appear and assert an interest shall be adjudged, determined, and decreed not to have an interest in the Real Property;

- D. That this Court award the United States its costs and fees and grant such other and further relief as the Court deems just and proper.

Dated: April 1, 2019

RICHARD E. ZUCKERMAN  
Principal Deputy Assistant Attorney General

/s/ Joseph E. Hunsader  
JOSEPH E. HUNSADER  
D.C. Bar #453328  
Trial Attorney, Tax Division  
U.S. Department of Justice  
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Ben Franklin Station  
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OF COUNSEL:  
MICHAEL B. STUART  
United States Attorney



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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)  
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)  
)  
)

Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: